

## **EXHIBIT “D”**

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

- - - - -  
SUNIL KUMAR, Ph.D., PRAVEEN SINHA, Ph.D.,  
Plaintiff,

Case No.

2:22-CV-07550-RGK-MAA

-against-

DR. JOLENE KOESTER, in her official capacity  
as Chancellor of California State University,

Defendant.

- - - - -  
VIRTUAL CONFERENCE

September 25th, 2023  
11:03 a.m.

EXAMINATION BEFORE TRIAL of PROFESSOR  
AJANTHA SUBRAMANIAN, the Defendant herein,  
taken by MR. SHAEFFER, in the above-entitled  
action, held at the above time and place,  
pursuant to Subpoena, taken before ALEXIS  
TORRES, a Shorthand Reporter and Notary Public  
within and for the State of New York.

Magna Legal Services  
(866) 624-6221  
[www.MagnaLS.com](http://www.MagnaLS.com)

1

2                   A. SUBRAMANIAN

3       one definition that explicitly  
4       references the South Asian caste  
5       system, and then there will be a second  
6       definition, which sort of generalizes  
7       it to a kind of global phenomenon,  
8       right?

9                   So there, you see that caste has  
10      become a kind of umbrella category to  
11      talk about different descent based  
12      systems. Why that's happened? I mean,  
13      that's a historical question, right?  
14      Why does one term become a kind of  
15      umbrella term to encompass, you know,  
16      different iterations, right, of a  
17      social system? That's a historical  
18      question that I don't have enough  
19      expertise to answer.

20                  Q. Are you offering any opinions on  
21      how an ordinary American would  
22      understand the term caste?

23                  MR. MICHALOWSKI: Vague and  
24      ambiguous. You can answer.

25                  A. I don't know how -- you know,

1

2                   A. SUBRAMANIAN

3       what different Americans come to the  
4       term with. I mean, it probably varies  
5       widely depending on who the person is.

6       Q. You mentioned a moment ago that  
7       it's becoming an umbrella term. I'm  
8       just wondering where it's becoming an  
9       umbrella term. Is it becoming an  
10      umbrella term in academia, or is it  
11      becoming an umbrella term in your area  
12      of specialty of anthropology, or are  
13      you offering any opinion as to it  
14      becoming an umbrella term in just  
15      common parlance?

16       A. I think, again, like, it's a  
17       very contextually specific. So the --  
18       Professor Ravich's report suggest that  
19       it's been an umbrella term in U.S. law  
20       for quite a while, right? In terms of  
21       the American public, I think the  
22       publication of Isabel Wilkerson's book,  
23       Caste, which, you know, shot up to the  
24       bestseller list, I think that has been  
25       really influential in sort of educating

1

2                   A. SUBRAMANIAN

3         within governing structures. They  
4         likened those groups to "Castas,"  
5         right? Which were similar, sort of,  
6         ranked, social groups in the Iberian  
7         Empires, right? So there was a sort of  
8         analogy that they drew between  
9         descent-based forms of social  
10       stratification, the Iberian Empires,  
11       and the descent-based forms of social  
12       stratification in South Asia, which  
13       went by the term Jati.

14               So that sort of correlation was  
15         drawn, and -- and you know, as with any  
16         correlation, they were both -- there  
17         were accuracy and inaccuracy, I  
18         suppose. But since the 16th century,  
19         caste has become indigenized in the way  
20         that, you know, if you look  
21         historically, there's lot of what are  
22         called "loan words" that come into a  
23         social space and then become sort of  
24         indigenized within that social space.  
25         So that's what has happened with caste.

1

2                   A. SUBRAMANIAN

3         caste as a protected category, and  
4         yeah, there seems to be a pretty common  
5         sense understanding of what it is.

6         That it is -- that it's a hereditary  
7         and hierarchical form of social  
8         difference. I mean, that seems to be  
9         what is a kind of common sense  
10        understanding of it.

11                   (Whereupon, an essay was  
12                  marked as Plaintiff's Exhibit 3  
13                  for Identification.)

14                  Q. Let me show you an article that  
15         you wrote a couple years ago for the  
16         New York Times, if you still stand by  
17         what you said. An essay titled, "Why  
18         Is Caste Inequality Still Legal in the  
19         United States."

20                  A. Mm-hmm.

21                  Q. Is that an essay you co-authored  
22         on around May 25th, 2021?

23                  A. Mm-hmm.

24                  Q. Is that a "Yes?"

25                  A. Yes.

1

2                   A. SUBRAMANIAN

3                 Q. Sorry, one of the other rules  
4         that I forgot to tell you is, "Mm-hmm"  
5         and "Uh-huh" cannot be transcribed.

6                 A. Yes, okay.

7                 Q. And nods of the head also. So  
8         occasionally I will remind you.

9                 MR. MICHALOWSKI: I am quite  
10         impressed that we've made it 80  
11         minutes into the deposition and  
12         we've just heard our first  
13         "Mm-hmm." So nicely done,  
14         Professor.

15                 By the way, Professor, we've  
16         been going about 80 minutes. If,  
17         at any point, you need a break,  
18         maybe after this line of  
19         questioning would be a good time  
20         to take a break.

21                 MR. SHAEFFER: Sure. Let's  
22         take a break after this question.

23                 Q. You wrote this article?

24                 A. Yes.

25                 Q. And the very first sentence

1

2                   A. SUBRAMANIAN

3       says, "Caste is not well understood in  
4       the United States?"

5       A. Mm-hmm.

6       Q. There you go again.

7       A. Yes.

8       Q. And you still stand by that  
9       statement?

10      A. So what I would say is that I  
11     don't think that caste -- the nuances  
12     of how caste functions among -- which  
13     is what I said -- among people of South  
14     Asian descent, I don't think those  
15     nuances are well understood. Does that  
16     mean that caste, more generally, as a  
17     kind of hierarchical and hereditary  
18     system is not understood? No.

19           I think that most people  
20     understand caste as -- like, the  
21     foundational principles of caste, which  
22     is heredity and hierarchy, I think  
23     those are understood, but the nuances  
24     of what caste references, the forms of  
25     social distinction, I mean -- I don't

1

2                   A. SUBRAMANIAN

3                   Q. There's more than one billion  
4                   Indians across the world, aren't there,  
5                   of people of Indian descent?

6                   A. Sure, but it doesn't say that  
7                   that one billion people are all South  
8                   Asians. It says, "Caste is a structure  
9                   of oppression that affects one billion  
10                  people across the world based in birth  
11                  that determines social status and  
12                  assigning spiritual purity." And then  
13                  they go on to further -- one can think  
14                  of the second as an instance of the  
15                  first or one can think of the second as  
16                  equal to the first. And I think it's  
17                  kind of ambiguous whether it's one  
18                  instance of a larger structure of  
19                  oppression or whether this is the only  
20                  reference for that structure of  
21                  oppression.

22                  Q. It says there are four main  
23                  caste groups, and it identifies the  
24                  four from the Varna and than as the  
25                  Dalits, correct?

1

2                   A. SUBRAMANIAN

3                   A. Yes.

4                   Q. And if I'm in China, those caste  
5        groups don't exist in China outside the  
6        India diaspora, do they?

7                   A. No, they don't.

8                   Q. And they don't exist really  
9        anywhere in the world outside South  
10      Asia, correct, except with the diaspora  
11      of South Asians?

12                  A. Right.

13                   (Whereupon, CSSA resolution  
14        was marked as Plaintiff's Exhibit  
15        5 for Identification.)

16                  Q. Let me mark the students. This  
17        is Exhibit 5. This is the Cal State  
18        Student Association's resolution, and  
19        it's virtually identical or very, very  
20        similar to the faculty one, correct?

21                  A. Yes.

22                  Q. It identifies the four caste  
23        groups that are identified by the  
24        Varna, right?

25                  A. Mm-hmm.

1

2                   A. SUBRAMANIAN

3       action categories of the Indian state.

4       Like, all of these are ways of thinking  
5       about caste difference. And one or  
6       more of them can be in place at any  
7       given moment, so it really depends.

8                   Q. Is there a consensus?

9                   A. On what?

10          Q. Would you agree, is there a  
11       consensus in the academic community? I  
12       know there is an outlier for  
13       everything. Is there an consensus in  
14       the academic community that Jati and  
15       caste are used interchangeable?

16          A. I would say that caste is the  
17       most common translation of the word  
18       Jati in -- you know, in anglophone  
19       scholarship.

20          Q. And then, Varna is just  
21       something completely different, Varna a  
22       textual hypothetical social  
23       organization?

24          A. Yeah. You know, I think -- I  
25       tend to think about Varna, again, as a

1

2                   A. SUBRAMANIAN

3                 A. No, but this is why caste is a  
4                 useful umbrella term because it's a  
5                 kind of -- what's that word in  
6                 linguistic anthropology? It's a kind  
7                 of mediating term, right, that allows  
8                 you to draw comparisons between similar  
9                 social institutions in other places.

10          Yeah.

11          Q. We were talking a moment ago,  
12         before I got sidetracked again, about  
13         your opinion that caste is not -- let  
14         me step back a bit. Is it your opinion  
15         that caste is not derived from  
16         Hinduism, or is it your opinion that  
17         caste is not associated by people  
18         rightly or wrongly with Hinduism?

19          A. The first.

20          Q. And are you offering?

21          A. The first. It's not derived  
22         from Hinduism, but yes, it is often  
23         associated with Hinduism.

24          Q. Looking at pages 7 and 8 of your  
25         report --

1

2                   A. SUBRAMANIAN

3       what I've heard, which is it's

4       socioeconomic discrimination?

5       A. He uses a --

6

7                   MR. MICHALOWSKI: I'm sorry,

8       Professor, to interrupt you. I

9       need to make my objection, which

10      is the question is compound, the

11      question poses an incomplete

12      hypothetical. You can answer.

13      A. He uses himself as an example.

14      He's a dark skinned Harvard professor,

15      and he describes forms of colorism that

16      he was subjected to.

17      Q. Okay. Wrapping up a few more

18      questions. Can someone in the United

19      States, who's not of South Asian

20      descent, be a victim of caste

21      discrimination that's distinct from

22      racial ethnic discrimination?

23      A. If they've been discriminated

24      against on the basis of descent, yes.

25      Q. So why not use the word descent?

1

2                   A. SUBRAMANIAN

3                   MR. MICHALOWSKI:

4                   Foundation.

5                   A. Why not use the term caste?

6                   Q. Isn't descent a much more  
7                   inclusive and understandable term  
8                   amongst the general population of the  
9                   United States?

10                  MR. MICHALOWSKI: Objection.

11                  This specific question has been  
12                  asked and answered, and Professor  
13                  Subramanian is not a linguist.

14                  She's been designated to testify  
15                  based on her anthropological  
16                  background, so this question is  
17                  beyond the scope and lacks  
18                  foundation.

19                  Q. Answer.

20                  A. I don't have an answer.

21                  Q. In terms of the South Asian  
22                  diaspora, can someone's caste commonly  
23                  be determined by their name; is their  
24                  name an indication of caste?

25                  A. It can be.